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OFFICE OF THE  
EXECUTIVE SECRETARY

December 6, 2001

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**VIA HAND DELIVERY**

Mr. David Waddell, Executive Secretary  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243

Re: *Complaint of BellSouth Telecommunications, Inc. Regarding the Practices of Global Crossing Telecommunications, Inc. in the Reporting of Percent Interstate Usage for Compensation for Jurisdictional Access Services*  
Docket No. 01-00913

Dear Mr. Waddell:

Enclosed are the original and thirteen copies of BellSouth's Responses to the Staff's November 14, 2001 Data Requests. Copies of the enclosed are being provided to counsel for Global Crossing.

Cordially,



Joelle Phillips

JP/jej

Enclosure

**REQUEST:**

Section 2.3.14B of the BellSouth Tennessee Access Tariff provides procedures for resolving billing disputes involving the projected usage percent provided by the customer. Did BellSouth follow these procedures? If not, why not?

**RESPONSE:**

Section E2.3.14(B)(1) of BellSouth's Tariff provides:

"When a customer provides a projected interstate usage percent as set forth in (A) preceding, or when a billing dispute arises or a regulatory commission questions the projected interstate percentage for BellSouth SWA, the company may, by written request, require the customer to provide the data the customer used to determine the projected interstate percentage. This written request will be considered the initiation of the audit." (emphasis added).

While the tariff provides BellSouth with the right to seek an audit, the tariff does not require BellSouth to do so, nor does the tariff establish any further procedures for dispute resolution. The language of the tariff is clear that the audit is discretionary on the part of BellSouth. BellSouth has not sought an audit in this case, because an audit is not necessary.

With respect to the dispute with Global Crossing, BellSouth has engaged in substantial efforts to resolve this dispute prior to filing its Complaint. BellSouth has attempted to resolve the billing dispute through negotiations that have been pending since June 2000, when BellSouth discovered discrepancies in amounts being paid by Global Crossing. From August 2000 until May 2001, the parties engaged in regular correspondence and conference calls to discuss the discrepancies and to exchange information in order to resolve the dispute. In May of 2001, Global Crossing

indicated its interest in pursuing an audit and proposed that it would retain PriceWaterhouseCooper to perform this audit. The parties entered into a tolling agreement with respect to the applicable statute of limitations in order to provide Global Crossing with time to complete the audit. While BellSouth maintained that an audit was not necessary and would not dispose of the pending dispute, BellSouth agreed to provide Global Crossing with time to perform the audit in order to investigate the dispute. While BellSouth did not view the audit as necessary, BellSouth was hopeful that the results of an audit would assist Global Crossing in exploring settlement. In August 2001, the PriceWaterhouseCooper audit was completed, and the report was shared with BellSouth. As BellSouth indicated in correspondence dated August 28, 2001, BellSouth was disappointed to learn that the PriceWaterhouseCooper audit was based on an improper methodology. Namely, Global Crossing and PriceWaterhouseCooper had utilized the "entry/exit surrogate," which is the FCC standard with respect to interstate calls. As BellSouth has consistently maintained, however, the calls at issue in this dispute are intrastate, not interstate, calls, and the FCC entry/exit surrogate order is inapplicable to Feature Group D. Accordingly, the methodology of the audit is flawed and the audit sheds no light on this dispute.

Upon receipt of the PriceWaterhouseCooper report, BellSouth informed Global Crossing that the report did not constitute support for Global Crossing' position with respect to the amount owed due to the improper methodology. While BellSouth was entitled, pursuant to Section E2.3.14(B)(1) of the tariff, to require Global Crossing to perform an audit, BellSouth believes that an audit is not needed.

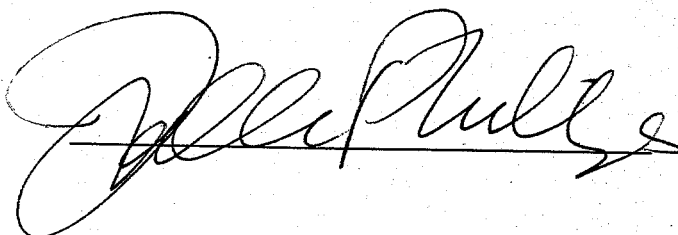
The tariff imposes no requirement on BellSouth to seek an audit prior to pursuing a remedy by complaint before the TRA, nor does the tariff impose any dispute resolution procedures as a precondition to seeking relief in the TRA. In the present case, BellSouth does not believe an audit is necessary. Moreover, the PriceWaterhouseCooper audit was not helpful or relevant due to its use of an improper methodology.

**CERTIFICATE OF SERVICE**

I hereby certify that on December 6, 2001, a copy of the foregoing document was served on the parties of record, via the method indicated:

- ☐ Hand
- ☐ Mail
- ☒ Facsimile
- ☐ Overnight

Henry Walker, Esquire  
Boult, Cummings, et al.  
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A handwritten signature in cursive script, appearing to read "H. Walker", written over a horizontal line.